

HONDURAS 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. Juan Orlando Hernandez won the presidency on November 24 in an election that international observers generally recognized as transparent, credible, and reflected the will of the Honduran electorate. Civilian authorities failed at times to maintain effective control over the security forces. Members of security forces committed human rights abuses and were turned over to the civilian justice system.

Among the most serious human rights problems were corruption, intimidation, and institutional weakness of the justice system leading to widespread impunity; unlawful and arbitrary killings by security forces, organized criminal elements, and others; and harsh and at times life-threatening prison conditions.

Pervasive societal violence persisted. There continued to be reports of killings in rural areas, including the Bajo Aguan region, of indigenous people, agricultural workers, bystanders, private security guards, and security forces related to land disputes, infrastructure development projects, organized crime, and other factors. Other human rights problems included violence against detainees; lengthy pretrial detentions and failure to provide due process of law; threats against journalists; corruption in government; violence against and harassment of women; child prostitution and abuse; trafficking in persons; encroachment on indigenous lands and discrimination against indigenous and Afro-descendent communities; violence against and harassment of lesbian, gay, bisexual, and transgender (LGBT) persons; ineffective enforcement of labor laws; and child labor.

The government took steps to prosecute and punish officials who committed abuses, but corruption, intimidation, and the poor functioning of the justice system were serious impediments to the protection of human rights. There continued to be instances in which military or police officials suspected of human rights violations were not investigated or punished.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes in the country and committed acts of murder, extortion, kidnapping, torture, human trafficking, and intimidation of journalists and human and worker rights defenders.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that members of the security forces committed arbitrary or unlawful killings. The Public Ministry, through the Office of the Special Prosecutor for Human Rights and other offices, directs investigations of cases in which a member of a security force has participated in the death of a civilian, and such cases are tried in civilian courts.

In March members of the military (operating pursuant to the December 2011 temporary military policing decree) responded to reports of a shooting in a neighborhood of San Pedro Sula. A shoot-out ensued between military and armed civilians. One civilian was killed and four persons were injured, including one soldier and three civilians. Five military members were arrested for homicide and attempted homicide, and the case was in process through the Office of the Special Prosecutor for Human Rights in San Pedro Sula.

In August family members alleged that members of security forces beat to death 15-year-old Jose Eduardo Aguilera Gonzalez after he was detained as a suspect in the killing of a transit police officer. At year's end the Office of the Special Prosecutor for Human Rights was investigating the case.

In June a civilian trial began against members of the military charged in the May 2012 killing of 15-year-old Ebed Jassiel Yanes Caceres and the crime's cover-up. The Office of the Special Prosecutor for Human Rights charged Eleazar Abimael Rodriguez of the First Infantry Battalion with homicide and abuse of authority, and Felipe de Jesus Rodriguez of the First Infantry Battalion and Josue Antonio Sierra of the First Special Forces Battalion with obstruction of justice and dereliction of duty. Several members of military leadership also were implicated in the cover-up, and pretrial proceedings began against them in June. Authorities accused Jesus Alberto Marmol Yanes, Raynel Enrique Funez Ponce, Juan Ruben Giron Reyes, Mariano Mendoza Maradiaga, Juan Jose Flores Alvares, and Jose Emiliano Novoa Funez of cover-up and abuse of authority. At year's end all were subject to court-ordered measures in lieu of imprisonment, with the exception of Eleazar Abimael Rodriguez, who was incarcerated pending trial.

In October the Public Ministry and police detained five current and former members of the National Police as suspects in the December 2012 homicide of Eduardo Alejandro Coello Chavez, the son of the former Honduran ambassador to the Organization of American States.

In August a court convicted four former police officers of the high-profile 2011 killings of university students Carlos David Pineda and Rafael Alejandro Vargas Castellanos and the ensuing cover-up. As of November two additional suspects in the killing remained at large, and charges against the other two suspects were pending.

On November 5, a court found Marvin Noel Andino guilty of the killing of anticorruption activist and antinarcotics advisor Alfredo Landaverde in 2011. At year's end the investigation continued in search of the intellectual authors of the crime.

Violence related to land conflicts and criminal interests in the Bajo Aguan region continued, but the number of violent deaths decreased to an estimated 16 as of September, from an estimated 40 in 2012, according to government statistics. The regional Office of the Special Prosecutor for Human Rights in La Ceiba was investigating three of five allegations of human rights abuse in the Aguan region from 2012, and two cases were in judicial proceedings. Human rights organizations in the region stated that victims often did not file complaints of abuse due to fear of repercussions. Investigators pointed to a lack of resources and obstruction by field workers and some human rights nongovernmental organizations (NGOs) as causes for the lack of progress in investigations. A military task force continued operations to restore order in the region by confiscating illegal weapons and drugs, and executing legal property eviction orders.

b. Disappearance

There were no reports of politically motivated disappearances. In May the press reported five cases in which suspected gang members disappeared after encounters with police. At year's end police were investigating the disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, human rights NGOs reported receiving complaints of police abuse both on the street and in municipal detention centers. The special prosecutor for human rights reported receiving 16 complaints of torture by members of security forces. As of September

investigations continued in 12 of those cases, one case was closed, and three were in judicial processing.

Prison and Detention Center Conditions

Prison conditions did not meet international standards and were harsh and life threatening due to overcrowding, insufficient access to food and water, violence, abuses by prison officials, and the influence of organized crime.

Physical Conditions: Overcrowding was a significant risk to prisoner welfare. The country had 24 prisons, 23 of them for men. As of September the total prison population was 12,969 in a system with a designed capacity of 8,603. There were 521 women in prison.

Authorities generally held female prisoners in a separate facility under conditions similar to those of male prisoners, but held some in separate areas of men's prisons. Children up to the age of three could stay with their mothers in prison.

Four juvenile detention centers operated under the supervision of the Institute of the Child and Family. The government did not implement reforms approved in 2012 intended to replace the institute with a different entity due to charges of widespread corruption. The number of minors in juvenile detention centers increased from 240 in 2012 to 356 as of September. Judges tended to place minors in the centers due to lack of educational or reform programs outside the juvenile detention system.

Authorities often held pretrial detainees together with convicted prisoners.

In September court proceedings began against the former director of the Comayagua prison and three penitentiary police for culpability in the 2012 fire that killed 358 prisoners.

Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. Due to budget cuts, authorities provided prisons the equivalent of 50 cents per prisoner per day for food. In most prisons access to potable water was limited to prisoners who purchased bottled water or had water filters in their cells. Due to overcrowding and lack of adequate training of prison staff, prisoners were subject to various abuses, including rape by other inmates. Prisons lacked trained personnel to ensure the psychological and physical well-being of inmates, and

some prisons lacked sufficient security personnel. The media reported multiple prison riots and violent confrontations between gang members throughout the year.

The ready access of prisoners to weapons and other contraband, impunity for inmates who attacked other inmates, inmate escapes, and threats by inmates and their associates outside prison against prison officials and their families contributed to an unstable and dangerous environment in the penitentiary system. Authorities held prisoners from rival gangs in separate facilities or in separate areas of the same prison to reduce gang violence. In some facilities prisoners themselves controlled their own areas while prison staff provided security outside the perimeter of each living unit and facility.

In August the military began to monitor the outer perimeters of the two largest prisons following the killing of three gang-affiliated prisoners by nonaffiliated prisoners who used AK-47s and grenades in the attack.

There were credible reports from human rights organizations that prison officials used excessive force against prisoners, including beatings, in addition to isolation and threats.

Persons with mental illnesses, as well as those with tuberculosis and other infectious diseases, were held with the general prison population. Authorities at the National Penitentiary in Tamara reported that their facility was the only prison in the country with an antiretroviral treatment program, but it did not have necessary materials to test for or diagnose HIV/AIDS, tuberculosis, or diabetes. In addition the surgical unit lacked anesthesia, surgical gloves, and needles.

Administration: In December 2012 the National Congress passed a prison reform law, which, among other things, created the National Penitentiary Institute, an autonomous institution linked to the Secretariat of State of Interior, to manage the country's prisons. Public defenders and judges assisted in seeking alternatives to incarceration for nonviolent offenders to alleviate overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the charged offense. The legal department of every prison also handled recordkeeping, but recordkeeping procedures were inadequate and resulted in some prisoners serving time in prison longer than their sentence.

Prisoners could transmit concerns directly to the director of the prison in which they were incarcerated, who transferred the complaints to the director of the National Penitentiary Institute. The national human rights commissioner also received complaints and conducted investigations. The 2012 prison law created a department of human rights and an inspector general office within the new institute. NGO and official investigation results were available to the public.

Authorities generally permitted inmates to have access to visitors, including in some cases women in prostitution, and religious services of their choice. They also permitted inmates to submit complaints to judicial authorities without censorship and to request investigation of inhumane conditions. The director of prisons held meetings with human rights organizations.

Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross (ICRC).

Improvements: The Secretariat of State of Security continued a major prison reform program begun in 2010 involving the construction of new facilities to reduce overcrowding, separate the most dangerous prisoners from nonviolent offenders, and promote rehabilitation. The ICRC undertook programs to improve water and electrical systems at some prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but human rights NGOs reported that authorities at times failed to enforce these prohibitions effectively.

Role of the Police and Security Apparatus

The Secretariat of State of Security oversees most police operations, including those of the National Police, National Preventive Police, Criminal Investigation Division, Transit Police, Border Police, and Tourist Police. The National Police maintain internal security. The armed forces are responsible for external security but also have some domestic security responsibilities. A December 2011 decree grants the military policing powers for a 90-day period under special circumstances, including at the request of the secretary of state for security. Authorities continued to renew this power at the end of each 90-day period following the enactment of the decree. In August the government created a new

military police unit, which reported to military authorities but conducted operations approved by civilian security and defense officials. The training program for the new military police included human rights training.

Corruption and impunity continued to be serious problems within the security forces. Some members of the police participated in crimes with local and international criminal organizations. The Directorate General for the Investigation and Evaluation of the Police Career (DIECP) was responsible for police oversight. By the end of 2012, there were 687 administrative and criminal complaints against members of police forces related to allegations of conduct not befitting an officer, abuse of authority, police brutality, robbery, and homicide. Of those complaints, the DIECP concluded investigations in 280 cases as of July 30. The DIECP transmitted 44 of the 280 cases to the Public Ministry, which began judicial proceedings in 26 of the 44 cases. The remaining 407 complaints remained under investigation. Very few investigations were resolved.

The secretary of state of security took some steps to reform security forces. As of August the secretariat implemented background checks of more than 800 police officers, stopped paying more than 2,000 phantom police officers, removed from supervisory positions a number of officers across all sections of the police, and introduced global positioning system (GPS) technology to monitor police movements. Despite these steps, NGOs continued to criticize the Secretariat of State of Security for failing to remove hundreds of officers who failed background checks. Some NGOs collaborated with the Public Security Reform Commission, established in 2012 to recommend reforms to the criminal justice system, to propose reforms including police training curricula focused on human rights and a police code of ethics.

As of August the Police Education System and the Criminal Investigation School provided approximately 200 hours of human rights-related training to members of the National Police at all levels.

Arrest Procedures and Treatment of Detainees

The law provides that police can arrest a person only with a court order unless the arrest is made during the commission of a crime, there is strong suspicion that a person has committed a crime and may evade criminal prosecution, a person is caught with evidence related to a crime, or a prosecutor has ordered the arrest. The law requires police to inform a person of the grounds for arrest and bring the detainee before a competent authority within 24 hours. It stipulates that the

prosecutor has 24 hours to decide if there is probable cause for indictment. A judge then has 24 hours to decide whether to issue a temporary detention order that may last up to six days, by which time the judge must hold a pretrial hearing to examine probable cause and decide whether pretrial detention should continue. The law provides for bail for persons charged with some felonies and the right of prisoners to have prompt access to family members. The law allows suspected criminals to be released pending formal charges with the provision that the suspect periodically report to authorities. Authorities generally respected these provisions. Although the law also provides prisoners the right of prompt access to a lawyer of their choice, and, if indigent, to government-provided counsel, authorities did not always follow these requirements.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. As of September 50 percent of prison inmates were formally sentenced. The law mandates the release of a detainee whose case has not come to trial and whose time in detention has exceeded the maximum prison sentence for the crime of which he is accused. As a result of trial delays, many pretrial detainees already served time in prison equivalent to the maximum allowable for their crime. Many prisoners remained in jail after acquittal or completion of their sentences due to the failure of officials to process their releases.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and sometimes subject to intimidation, patronage, corruption, and political influence.

Low wages and the lack of internal controls rendered judicial officials susceptible to bribery. Powerful special interests exercised influence in the outcomes of some court proceedings.

In December 2012 the National Congress removed from office four of five magistrates of the Constitutional Chamber of the Supreme Court. Some legislators and NGOs maintained that congress acted unconstitutionally because the constitution lists incapacity, resignation, and death as the only reasons for an early end to a magistrate's term of office. Congressional leaders stated publicly that they had the legal authority to act. Congress elected four new magistrates in

December. In April congress determined that the performance of the Public Ministry was unacceptable and suspended the attorney general and his deputy, both of whom resigned in June. Congress elected their replacements in September in a process some NGOs criticized for not adhering fully to the selection procedures established by the nominating committee.

Trial Procedures

The law recognizes that an accused person is presumed innocent. Jury trials are not used, but the accused has the right to receive an initial hearing by a judge, ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. The law provides for the right to a fair public trial, permits defendants to confront or question witnesses and to present witnesses and evidence on their behalf, and grants defendants access to government evidence relevant to their cases. These rights generally were respected.

Common challenges to criminal prosecutions included a lack of credible evidence presented by the prosecution, lack of witness protection, widespread public distrust of the legal system, and judicial corruption.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. A litigant can bring civil charges when the criminal court determines that he may seek damages. Citizens may file complaints with the Inter-American Commission on Human Rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law generally prohibit such actions, a legal exception allows entry into a private residence at any time in an emergency or to prevent the commission of a crime. There were credible complaints that police occasionally failed to obtain the required authorization before entering a private home and that government entities were monitoring correspondence.

Ethnic minority-rights leaders continued to complain that the government failed to redress actions by private and public security forces, which had dislodged farmers and indigenous groups claiming ownership of lands based on land reform laws or ancestral titles to property (see section 6, Indigenous People).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and laws provide for freedom of speech and press, and the government generally respected these rights. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media and in some cases influenced the reporting in their outlets.

In February the National Congress amended the penal code to sanction anyone who publicly or through the media incites discrimination, hate, repression, or violence against a person or group for reasons of their sex, gender, age, sexual orientation, gender identity, political opinion, marital status, race or origin, nationality, religion, language, disability, family or economic situation, or physical appearance or health.

Violence and Harassment: Reports of harassment of journalists and social communicators (persons who are not employed as journalists, but serve as bloggers or conduct public outreach for NGOs) continued to rise.

Three journalists were killed during the year, compared with four in 2012, and there was one attempted killing. It is unclear whether these killings were motivated by the victims' status as journalists or simply products of generalized violence. There also were multiple reports of intimidation of members of the media and their families. Government officials at all levels denounced violence and threats of violence against members of the media and social communicators. The Human Rights Office of the Ministry of Security provided protective measures to journalists, social communicators, and other members of civil society who received threats.

During the year the efforts of the Special Victims Task Force created in 2011 to address violent crimes against vulnerable communities, including journalists, led to three indictments in cases involving killings of journalists and social communicators. Since its creation the task force has investigated the homicides of

22 journalists and determined motives in 15 of those cases. In only one of those cases did the investigation conclude the homicide was related to the journalist's reporting, and in no case did the investigations implicate government agents.

The Ministry of Security's Office of Human Rights continued to implement protective measures for journalists, human rights defenders, fieldworker representatives, and members of the LGBT community who had received threats.

Nongovernmental Impact: Members of the media and NGOs stated that the press "self-censored" due to fear of reprisal from organized crime or corrupt government officials.

In June GLOBO TV talk-show host and journalist Anibal Barrow was kidnapped, and a week later police arrested several suspects in connection with his disappearance. Information obtained from the suspects led to the discovery of Barrow's dismembered body several days later. At year's end police continued to investigate and build a case against the intellectual author of the crime. Evidence indicated the killing was not related to freedom of expression.

Internet Freedom

There were no government restrictions on access to the internet. According to estimates compiled by the International Telecommunication Union, approximately 13 percent of households had internet access, and 18 percent of the population used the internet in 2012.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected these rights. There were, however, complaints from NGOs that police used excessive force in containing demonstrations that turned violent.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. The penal code prohibits illicit association and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras (\$1,500 to \$3,000) for anyone who convokes or directs an illicit meeting or demonstration, defined as those attended by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime.

Authorities temporarily detained protesters wielding rocks, machetes, and other dangerous materials but did not press charges.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Internally Displaced Persons (IDPs)

The UN High Commissioner for Refugees expressed concern regarding increasing levels of forced displacement due to high levels of violence, national and transnational gang activity, and human trafficking and smuggling. In November the government created an interinstitutional commission to address the problem of persons displaced by violence.

Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status. The government has established a system for providing protection to refugees, but at times there were significant delays in processing provisional permits for asylum applicants.

In the first quarter of the year, there were 31 asylum seekers, all from Nicaragua. As of October, 16 recognized refugees lived in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic and generally free and fair elections based on nearly universal suffrage. The law does not permit active members of the clergy, the military, and civilian security forces to vote.

Elections and Political Participation

Recent Elections: On November 24, Juan Orlando Hernandez of the National Party won a four-year presidential term in elections that were generally transparent and credible. As of December, Xiomara Castro, presidential candidate for the LIBRE party, was contesting the vote count through established procedures. Some NGOs reported irregularities, including cards offering retail discounts issued by the National Party near voting stations, problems with the voter rolls, buying and selling of electoral worker credentials, and lack of transparency in campaign financing. International observers acknowledged some of these irregularities but reported that they were not systematic and not widespread enough to affect the outcome of the presidential election. Observers noted several significant improvements in transparency procedures, including the use of electronic scanning and transmission of vote tally sheets, and the distribution of national identification cards by the National Registry of Persons rather than by the political parties.

During the year's general election campaigns, the National Observatory of Violence at the National Autonomous University recorded 10 homicides, eight attempted homicides, and five threats against local and national candidates, local politicians, and political party leaders as of July. Motives for the crimes remained unclear.

Participation of Women and Minorities: The law requires that a minimum of 40 percent of candidates from each party for national election be women. During the year women held 25 of 128 seats in the National Congress, and 30 women were alternate members. Five women sat on the 15-member executive board of congress, and eight presided over congressional committees. The most senior of three presidential designates in the government, with status equivalent to that of a vice president, was a woman. There were six female cabinet members: the

secretaries of state for the presidency, foreign affairs, justice and human rights, tourism, youth, and social development. The runner-up in the November 24 presidential election was a woman.

The National Congress had one Miskito community member and one Afro-Honduran member. Both the cabinet-level secretary of state for indigenous and Afro-Honduran affairs and the secretary of state for culture were Afro-Honduran.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but authorities did not effectively implement the law. Government institutions were subject to corruption and political influence, and some officials engaged in corrupt practices with impunity.

Corruption: In February authorities charged Hector Guillen, former finance minister and member of the National Congress, with abusing his authority as a public official and committing fraud against the state. More than 1.14 million lempiras (\$57,000) of undeclared money was seized from his wife's vehicle in July 2012, and an investigation revealed he had leased six government-run shrimp farms at below-market prices for personal gain while finance minister. In July the Supreme Court ordered a provisional stay for Guillen's case.

In July authorities arrested two Ministry of Health officials in connection with the theft of medical supplies valued at approximately 50 million lempiras (\$2.5 million). As of October the Public Ministry was investigating 27 officials, including 22 prosecutors, on charges related to fraud and personal enrichment via their professional duties.

A widespread public perception remained that the anticorruption institutions did not take sufficient steps to contain corruption and were unwilling or lacked the professional capacity and resources to investigate, arrest, and prosecute those involved in high-level corruption. Transparency International expressed particular concern regarding corruption in the judiciary and security forces.

The Public Ministry, police investigative services, and the public accounting authority (TSC) are the government agencies responsible for combating corruption. There is an anticorruption working group composed of the TSC, Office of the Solicitor General, Public Ministry, Supreme Court, Institute for Access to Public Information (IAIP), National Commission of Human Rights, and Anticorruption

Council. The government agencies responsible for combating corruption made some efforts to collaborate with civil society groups.

The Public Ministry's Corruption Prosecutor's Office made some progress in reducing the backlog of cases in which public officials were implicated in acts of corruption and abuse of power. As of September there were 3,324 corruption cases pending, dating back to 1994. Of those, 447 were under investigation, and 2,877 were under review to determine if there was sufficient information to close the cases. Since 1994 authorities brought 213 cases to court. The Public Ministry stated that the low rate of prosecution related to factors such as a lack of prosecutorial and judicial education and professional development, unclear roles and responsibilities of government institutions, an unclear penal code, and lack of resources.

Whistleblower Protection: Protection of whistleblowers falls under general witness and victim protection legislation.

Financial Disclosure: Public officials are subject to financial disclosure laws and generally complied with the laws. Disclosure laws pertain only to public officials and do not include the assets and income of spouses or dependent children. The law mandates the TSC to monitor and verify disclosures. The TSC published its reports on its website. The TSC published the names of public officials who did not comply with disclosure laws.

Public Access to Information: The law provides for public access to government information for citizens, and the government generally implemented it effectively. All institutions receiving public funding are required to disclose their expenditures and to present an annual report for the prior year's activities to the National Congress 40 days after the end of the fiscal year. The IAIP operated a website for citizens to request information from government agencies. The IAIP is responsible for verifying that government institutions comply with government transparency rules and practices for permitting access to public information. The IAIP reported that only a few government agencies fully complied with legal reporting requirements. If a government agency denies a request for public information, a party can submit a claim to the IAIP, which has the authority to grant a resolution, including sanctioning noncompliance with fines. In the first nine months of the year, the IAIP received approximately 1,800 appeals covering national and municipal government budgets and public institutions. It granted 1,684 appeals, rejected 63, and continued to investigate 84. The IAIP launched a transparency portal during the year for political parties to report their revenues and expenses.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Government officials generally cooperated with domestic and international NGOs and were responsive to their views.

UN and Other International Bodies: The minister of justice and human rights reported to the UN Human Rights Council that the government had implemented 71 of the 129 recommendations from the 2010 Universal Periodic Review of Honduras.

Government Human Rights Bodies: As of September the government had implemented 32 of the 84 recommendations of the Truth and Reconciliation Commission, and another 37 continued being implemented. The recommendations included measures to amend the constitution, increase respect for human rights, and advance measures against corruption.

In January the president's Council of Ministers approved the government's first Public Policy and National Action Plan for Human Rights, which provides a roadmap for each government ministry to integrate promotion of and respect for human rights into its planning and budget. In August representatives of all presidential candidates signed a pact agreeing to implement the plan if elected.

The Public Ministry's Office of the Special Prosecutor for Human Rights handled cases involving charges of misconduct by security forces as well as crimes against communities of special concern. A 2013 investigation by the NGO Caritas found that of the 521 complaints filed with the Office of the Special Prosecutor for Human Rights in 2012, the office opened only 28 cases. The national commissioner for human rights performed the functions of an ombudsman and investigated complaints of human rights abuses.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. In February the National Congress reformed the penal code to include sexual orientation and gender identity as classes protected from discrimination. Authorities did not effectively enforce the law.

Women

Rape and Domestic Violence: Violence against women and impunity for perpetrators continued to be a serious problem. The National Observatory of Violence reported that violent deaths of women increased by 246 percent between 2005 and 2012. The national observatory recorded 323 homicides of women as of June. Media reported that a large number of killings of women might be related to criminal organizations. In February the National Congress added the crime of femicide to the penal code.

Rape was a serious and pervasive societal problem that permeated all facets of society. The law criminalizes all forms of rape, including spousal rape. With the exception of spousal rape, which is evaluated on a case-by-case basis, rape is considered a public crime, and thus a rapist can be prosecuted even if the victim does not press charges. The penalties for rape range from three to nine years' imprisonment, and the courts enforced these penalties. Rape continued to be underreported due to fear of stigma, retribution, and further violence. As of August the special prosecutor for women received 203 reports of rape and other sexual crimes against women.

Domestic violence continued to be widespread. The law criminalizes domestic violence with between two and four years' imprisonment. The only legal sanctions for the first offense of domestic abuse are community service and 24-hour preventive detention if the violator is caught in the act. The law provides a maximum sentence of three years' imprisonment for disobeying a restraining order connected with the crime of intrafamilial violence. In many cases victims were reluctant to press charges against abusers.

As of August the Office of the Special Prosecutor for Women received 4,903 complaints of domestic abuse. The government operated three domestic violence shelters in Choluteca, La Ceiba, and Copan. NGOs operated shelters in Santa Rosa de Copan, Juticalpa, and Tegucigalpa. The government provided insufficient financial and other resources to enable these facilities to operate effectively. In cooperation with the UN Development Program, the government operated two consolidated reporting centers in Tegucigalpa and San Pedro Sula, where women could report a crime, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women's offices completed in late 2011 (one in each municipality) that provided a wide array of services to women focusing on education, personal finances, health,

social and political participation, environmental stewardship, and prevention of gender-based violence.

Sexual Harassment: Both the criminal and labor codes criminalize various forms of sexual harassment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law. Sexual harassment was a serious societal problem but was underreported due to fear of stigma and reprisal.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of children and to have the information and means to do so free from discrimination, violence, or coercion. According to the 2010 national maternal mortality study, the maternal mortality rate was 73 deaths per 100,000 live births, down from 110 in 2008. In addition, 64 percent of married women used modern methods of contraception. The Ministry of Health increasingly provided prenatal care, skilled attendance during childbirth, essential obstetric and postpartum care, and access to other maternal health services at little or no cost. The percentage of births attended by skilled personnel increased from 67 percent in 2005 to 83 percent.

Discrimination: Although the law accords women and men equal rights, including property rights in divorce cases, many women did not fully enjoy such rights. Most employed women worked in lower-status and lower-paid informal occupations, such as domestic service, without legal protections or regulations. Women were present in small numbers in most professions, but cultural attitudes limited their career opportunities. Women participated in the labor force at approximately half the rate of men. By law women have equal access to educational opportunities. The law requires employers to pay women equal wages for equivalent work, but employers often classified women's jobs as less demanding than those of men to justify women's lower salaries. Employers paid women on average 16 percent less than men for comparable work. Female workers in the textile export industries continued to report that they were required to take pregnancy tests as a condition for employment. Job seekers older than 30, particularly women, faced discrimination based on their age when applying for jobs.

The National Institute for Women develops government policy on women and gender. In addition the nationally sponsored National Plan on Equality and Gender Equity continued its efforts to achieve gender equity.

Children

Birth Registration: Birth registration was widely available. Citizenship is derived by birth within the territory, from one's parents, or by naturalization.

Education: By law education is free, compulsory, and universal through ninth grade, although students were often charged fees at the school level. While estimated net enrollment rates for first to sixth grade were almost 99 percent, enrollment rates from seventh to ninth grade were only 49 percent, and enrollment rates for 10th and 11th grades were only 25 percent. There was a shortage of middle schools and of adequately prepared teachers.

Child Abuse: Child abuse remained a serious problem. The law establishes prison sentences of up to three years for persons convicted of child abuse. The Permanent Commission on Protection for the Physical and Moral Well-Being of Children, under the Secretariat of State of Interior and Population, coordinates public and private efforts to combat child abuse. The government provided a hotline where investigative authorities could receive reports of suspected crimes against children.

Police, gangs, and members of the public engaged in violence against poor youths. Human rights groups continued to allege that individual members of the security forces and civilians used unwarranted lethal force against supposed habitual criminals, suspected gang members, and other youths not known to be involved in criminal activity.

Forced and Early Marriage: The minimum legal age for marriage for male and female citizens is 21, although with parental consent boys may marry as young as 18 and girls as young as 16. According to the UN Children's Fund (UNICEF), between 2002 and 2011, 39 percent of women 20 to 24 years old were married or in a union before they were 18.

Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in prostitution, continued to be a problem. Although statistics were not available, authorities noted particular concern about port cities along the north coast where tourists disembark. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor under the age of 12 is 15 to 20 years' imprisonment. It is nine to 13 years' imprisonment if the victim is 13 or older. Penalties for facilitating child prostitution are 10 to 15 years in prison and fines ranging from approximately one million to 2.5 million lempiras (\$50,000 to

\$125,000). The law prohibits the use of children under 18 for exhibitions or performances of a sexual nature and in the production of pornography.

Displaced Children: A large population of children lived on the streets. During the year Casa Alianza treated approximately 900 children in the streets, in the process of family reintegration, and in residential centers in Tegucigalpa alone. More than 30 of those children were identified as trafficking victims or showed signs of having been trafficking victims. As of August the organization was providing assistance to 290 street children, of whom 81 lived on the streets and 209 used the street to obtain food and income. Another youth shelter reported that the number of juveniles they treated who reported having been used for drug trafficking, homicides, and other crimes increased from 5 percent in 2000-05 to 30 percent in 2009-13.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community, located primarily in San Pedro Sula, numbered approximately 1,000. While there were no reports of anti-Semitic acts of violence, graffiti swastikas were visible in some areas of Tegucigalpa.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Although enforcement in employment is the responsibility of the Secretariat of State of Labor and Social Security (STSS), enforcement was not effective due to the secretariat's focus on workplace safety and pay problems. Enforcement of the

laws in other areas is the responsibility of the Public Ministry. The law requires access to buildings for persons with disabilities, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide access.

Some students with disabilities attended school (primary, secondary, and higher education). In 2012 the National Congress passed an education reform law that includes provisions for inclusive education for students with special needs. As of August the government trained 976 teachers in special education for students with disabilities. There were patterns of abuse reported in mental health facilities, including degrading treatment, arbitrary commitment, abuse of physical restraints, unhygienic conditions, inadequate or dangerous medical care, and sexual or other violence.

A lack of accessibility to polling stations and many government buildings restricted the right of persons with disabilities to vote and participate in civic affairs. The Supreme Elections Tribunal deployed volunteer facilitators to polling stations throughout the country to assist persons with disabilities in accessing polling stations.

Authorities held prisoners with mental disabilities with the general prison population.

The government had a disabilities unit in the Secretariat of State of Social Development and a special commissioner for disabilities in the Secretariat of State of the Presidency. In July the Council of Ministers approved a public policy to eliminate discrimination against and provide increased opportunities for persons with disabilities. In November the central bank issued a limited number of new bills incorporating Braille.

Indigenous People

No recent estimates were available on the number of persons comprising indigenous and other ethnic minority groups. Different estimates dating back more than five years ranged from approximately 621,000 persons, constituting 8 percent of the general population, to approximately 1.5 million persons, constituting 20 percent of the general population. These groups, including the Miskito, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas, had limited representation in the national government and consequently had little

political power to make decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Most indigenous lands were owned communally, providing land-use rights to individual members of the ethnic community. Indigenous land titles often were poorly defined in documents dating back to the mid-19th century. Lack of a clear title allowed encroachment by, and expropriation conflicts with, landless nonindigenous field workers, businesses, and government entities interested in exploiting coastlines, forests, mining resources, and other lands traditionally occupied or utilized by indigenous and other ethnic minority communities. Indigenous communities criticized the government's alleged complicity in the exploitation of timber and other natural resources on these lands. Indigenous leaders continued to allege that indigenous and nonindigenous groups engaged in drug smuggling and other contraband trafficking and had illegally appropriated vast areas of their communal lands.

On July 15, a soldier of the First Engineering Battalion shot and killed Tomas Garcia, an indigenous Lenca man protesting the construction of a hydroelectric facility in the community. Police arrested the soldier immediately and turned him over to Public Ministry officials. In pretrial proceedings the soldier was released on bail to the custody of the First Engineering Battalion.

In September a judge ordered Berta Caceres, leader of the Civic Council of Popular and Indigenous Organizations, to be held in prison pending trial for charges related to protests against the construction of a hydroelectric facility in an indigenous Lenca community and a weapons-related charge. As of November, Caceres had not been imprisoned, but NGOs cited the charges against her as unfounded and politically motivated.

The government made some efforts to address indigenous land rights problems. The Office of the Special Prosecutor for Indigenous Affairs investigated crimes and discrimination against indigenous persons. The Ministry of Indigenous and Afro-Honduran Affairs worked to raise the profile of problems affecting these populations and to mediate some land problems. In September the government granted indigenous Miskito inhabitants title to approximately 2.4 million acres of land (approximately 7 percent of the country's territory).

Persons from indigenous and Afro-descendant communities continued to experience discrimination with respect to employment and occupation, education, housing, and health services. The special prosecutor for indigenous affairs

reported receiving two formal complaints of ethnic discrimination in education and 16 of violation of the right to consultation and usurpation of land. UNICEF called the situation of indigenous and Afro-Honduran children precarious and vulnerable.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

In February the National Congress passed a law adding sexual orientation and gender identity to classes protected from discrimination and included these same classes in the hate crimes amendment to the penal code. Social discrimination against LGBT persons was widespread. Representatives of the LGBT community filed a legal complaint against discrimination following anti-LGBT remarks by an evangelical pastor. The special prosecutor for human rights reported receiving five legal complaints of discrimination against the LGBT community as of September. Representatives of NGOs focusing on sexual diversity rights asserted that police and others harassed and abused their members. As of September NGOs reported 24 violent deaths of LGBT individuals and documented multiple cases of assault and discrimination against members of the LGBT community.

LGBT rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. LGBT groups continued working with the Special Victims Task Force, the Secretariat of State of Security, and the Office of the Special Prosecutor for Human Rights to address problems of intimidation, fear of reprisal, and police corruption.

The Special Victims Task Force made progress in several cases of homicides of LGBT individuals. In April authorities indicted two suspects in the shooting of LGBT activist Walter Trochez. They arrested and incarcerated one of the suspects pending trial. In the 2012 homicide of LGBT activist Erick Martinez, the Public Ministry indicted three individuals, and the trial was scheduled to begin at the end of the year. In total the Special Victims Task Force investigated 99 LGBT-related homicides as of July. Of these cases, four appeared to be hate crimes and continued under investigation.

Other Societal Violence or Discrimination

There were no reports of widespread societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, to bargain collectively, and to strike, and it prohibits employer retribution for engaging in trade union activity, but it places a number of restrictions on these rights. For instance, the law requires 30 or more workers to constitute a trade union, prohibits foreign nationals from holding union offices, and requires that union officials be employed in the economic activity of the business the union represents. The law prohibits members of the armed forces and police, as well as certain other public service employees, from forming labor unions.

The law requires that an employer begin collective bargaining once workers establish a union but specifies that if more than one union exists, the employer must negotiate with the largest union at a company.

The law prohibits labor federations and confederations from calling strikes and requires that a two-thirds majority of the total workforce approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to an agreement with their employer, and it requires workers to undergo a mediation and conciliation process. In addition the law prohibits strikes in a wide range of economic activities that the government deems essential services and any others that, in the government's opinion, affect individuals' rights to security, health, education, and economic or social life.

The law prohibits certain public-service employees from striking. The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike, but they must continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the STSS prior to striking. The International Labor Organization considered excessive the restrictions on strikes in such a broad range of sectors. The law permits striking by workers in export-processing zones and separate free zones for companies that provide services for industrial parks, but it requires that strikes not impede the operations of other factories in the industrial parks.

The STSS has the power to declare work stoppages illegal, and employers may apply disciplinary sanctions or other actions in accordance with their internal regulations, including dismissing protesting workers, if the STSS finds a strike to

be illegal. The International Labor Organization continued to express concerns about the government's authority to end disputes in several sectors, including oil production and transport, because such provisions are vulnerable to abuse.

The STSS can reach administrative decisions and fine companies for unfair dismissal. The law permits fines of up to 5,000 lempiras (\$250) for a violation. Civil society, international organizations, and the STSS noted that these fines lacked credibility in the eyes of companies and municipalities due to their modest amount. Inspectors must clear their fines through the Central Office of the Inspector General, which can add months to the period between an inspection and the issuance of a fine. Both the STSS and courts may order reinstatement of workers, but the STSS lacks mechanisms to enforce these orders. The reinstatement process in the courts was unduly long.

Workers exercised with difficulty the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Due to past allegations that the registry office informed companies which workers were attempting to unionize (making it easier for companies to dismiss these workers before they gained legal protection from firing), some unions delayed providing lists of unionizing workers until after the STSS formally notified the employer of union formation. Unions were independent of the government, but some were closely aligned with political parties.

Civil servants frequently engaged in illegal work stoppages without experiencing reprisals. Public-sector workers held strikes without interference by authorities. Teachers, medical professionals, and others continued to hold strikes throughout the year to protest nonreceipt of back pay.

Some employers either refused to engage in collective bargaining with unions with impunity or made it very difficult to engage in bargaining. Some companies also delayed or failed to appoint representatives for required STSS-led mediation, a practice that lengthened and impeded the mediation process and the right to strike.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that, in cases where authorities imposed fines for violations, many companies paid the fine and continued to violate the law. Employers commonly threatened to close unionized factories and harassed or dismissed workers seeking to unionize. They also fired leaders with impunity soon after workers formed unions to prevent the union from functioning. Employers further complicated matters by often barring STSS

inspectors from entering to serve union protection documents. STSS inspectors rarely called on the police to gain entry into a factory to serve union protection documents. Employers often failed, with impunity, to comply with court orders requiring them to reinstate workers fired for engaging in union activity. For example, in the Kyungshin-Lear factory in San Pedro Sula, company management repeatedly dismissed successive members of union leadership and barred STSS inspectors from entering on numerous occasions.

There were also several cases in which union leaders were threatened with violence.

There was credible evidence that some manufacturing factory employers continued with impunity to blacklist employees seeking to form unions. Some companies in other sectors, including bananas, also established employer-controlled unions, thereby preventing the formation of independent unions because of the restrictions on the number of unions per company.

There were allegations that companies used collective pacts, which allow collective contracts without the presence of a union, to avoid the formation of a union. Unions also raised concerns about the increased use of temporary contracts as well as part-time employment, suggesting that employers used these mechanisms to attempt to avoid union formation or having to provide full benefits.

Several companies in the country's export-processing zones instituted solidarity associations that, to some extent, functioned as company unions for the purposes of setting wages and negotiating working conditions.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced labor, the government did not effectively implement or enforce the law. Administrative penalties under the labor law for violations of up to 5,000 lempiras (\$250) were insufficient to deter violations and often not enforced. Penalties for forced labor under antitrafficking laws ranged from 10 to 15 years' imprisonment, but authorities did not enforce them either.

Forced labor occurred in agriculture, commercial fishing, domestic services, and the transit of drugs and other illicit items. Victims were primarily impoverished men, women, and children in both rural and urban areas.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor, sets the minimum age for employment at 14, and regulates the hours and types of work that minors up to age 18 may perform. The law provides for three to five years in prison for persons violating child labor laws. By law all minors between 14 and 18 must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic necessity for the child to work and that the child will not work outside the country or in hazardous conditions, including in offshore fishing. If the STSS grants permission, children between 14 and 16 may not work more than four hours per day, and those between 16 and 18 may not work more than six hours per day. The law prohibits night work and overtime for minors under the age of 18, but the STSS can grant special permission for minors between 16 and 18 to work in the evening if it does not affect their schooling.

The law requires that employers with more than 20 school-age children working at their business facility provide a location for a school.

The government did not devote adequate resources or inspectors to monitor compliance with child labor laws or to prevent or pursue violations. The STSS did not effectively enforce child labor laws outside the apparel assembly sector, and there were frequent violations.

The vast majority of children who worked did so without STSS permits. Children often harvested melons, coffee, okra, and sugarcane; rummaged at garbage dumps; worked in the forestry, hunting, and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled loads; and labored in limestone and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other sectors, such as fishing, construction, transportation, and small businesses.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

Monthly wages were set based on industry and number of employees and ranged from 4,870 lempiras (\$243) to 7,650 lempiras (\$382).

The law applies equally to national and foreign workers, regardless of gender, and prescribes a maximum eight-hour shift per day, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime pay, bans excessive compulsory overtime, limits the amount of overtime that a worker may work to four hours a day for a maximum of 12 hours of work a day, and prohibits the practice of requiring workers to complete quotas before leaving. The law does not protect domestic workers effectively.

The STSS is responsible for enforcing national occupational health and safety laws, but it did so neither consistently nor effectively. The law permits fines of up to 5,000 lempiras (\$250) for a violation. Occupational safety and health standards were current but not enforced.

While the government did not allocate adequate resources for labor inspectors to perform their duties, the number of inspections significantly increased, from 5,226 inspections in 2012 to 12,079 inspections as of August. There were 135 labor inspectors. The STSS trained 55 inspectors in Tegucigalpa and San Pedro Sula.

Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, complete labor inspections as well as follow-up visits to confirm compliance with findings were far less frequent in other parts of the country. Many inspectors asked workers to provide transportation to conduct an inspection, as the STSS did not have sufficient resources to pay for travel to worksites, further impeding their ability to enforce labor laws effectively. Credible allegations of corruption among labor inspectors continued, particularly in the northern part of the country.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agriculture sectors. Employers rarely paid the minimum wage in the agricultural sector and paid it inconsistently in other sectors. Agricultural workers frequently reported being penalized for taking legally established days of rest and holidays.

There were reports of violations of the limits on overtime, with agricultural workers working seven days a week for many months and reports of port workers working up to 30 consecutive hours. There were credible allegations of

compulsory overtime at apparel assembly factories (particularly for women, who made up approximately 65 percent of that sector's workforce), in the private security sector, and among household workers. Employers frequently denied workers mandatory benefits, including vacation pay and 13th- and 14th-month bonuses. There were reports that both public- and private-sector employers failed to pay into the social security institute funds.

Human rights organizations continued to report that in the private security and household sectors, workers were typically obliged to work more than 60 hours a week but paid for only 44 hours. Household workers often lacked contracts and received salaries below the minimum wage. Since many lived in on-site housing, their work hours often varied widely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every other day on 24-hour shifts in violation of the law. Civil society organizations also reported that employers often obliged workers in cleaning services and the fast-food industry to work shifts of 12 or more hours. A 2009 report from the International Labor Organization, the most recent data available, estimated that 58 percent of workers were in the informal economy.

There continued to be reports of violations of occupational health and safety laws, including lack of access to appropriate safety equipment, and other labor rights violations relating to the approximately 3,500 divers for lobster, conch, and sea cucumber, most from the Miskito indigenous and other ethnic minority groups in Gracias a Dios Department. Civil society groups reported that most dive boats held more than twice the boat's capacity for divers and that many boat captains sold marijuana and crack cocaine to divers on their ship to help the divers complete an average of 12 dives per day at depths of more than 100 feet. Because of these practices approximately 40 percent of divers reported sustaining job-related injuries. As of August, NGOs reported that 10 divers were killed and 22 paralyzed in the dive fishery.